

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

UNITED STATES POSTAL SERVICE

and

**NATIONAL ASSOCIATION OF LETTER
CARRIERS, AFL-CIO, BRANCH 2794**

**Cases 10-CA-256947
10-CA-258263
10-CA-258720**

DECISION AND ORDER

Statement of the Cases

On January 12, 2021, the United States Postal Service (the Respondent), the National Association of Letter Carriers, AFL-CIO, Branch 2794 (the Union), and the General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation, subject to Board approval, providing for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals. The parties waived all further and other proceedings before the Board to which they may be entitled under the National Labor Relations Act and the Board's Rules and Regulations, and the Respondent waived its right to contest the entry of a consent judgment or to receive further notice of the application therefor.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Formal Settlement Stipulation is approved and made a part of the record, and the proceeding is transferred to and continued before the Board in Washington, D.C., for the entry of a Decision and Order pursuant to the provisions of the Formal Settlement Stipulation.

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following

Findings of Fact

1. The Respondent's business

The Respondent provides postal services for the United States and operates various facilities throughout the United States in performing that function, including its facility at 1040 Dale Earnhardt Boulevard in Kannapolis, North Carolina. The Board has jurisdiction over the Respondent and this matter by virtue of Section 1209 of the Postal Reorganization Act (PRA).

2. The labor organization involved

At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the National Labor Relations Act (the Act).

ORDER

Based on the above findings of fact, the Formal Settlement Stipulation and the entire record, and pursuant to Section 10(c) of the National Labor Relations Act, the National Labor Relations Board orders that the Respondent, United States Postal Service, 1040 Dale Earnhardt Boulevard, Kannapolis, North Carolina, its officers, agents, successors and assigns, shall

1. Cease and desist from the following:

(a) Disparaging the Union, including by holding up a union-related document and asking employees, “Would you mind telling me what this nonsense is?”;

(b) Creating the impression of surveillance of employees’ protected activities by telling employees that the Respondent has “people in here watching” the employees;

(c) Threatening employees in any way — including telling employees that the Respondent is not playing games with them and that if the employees keep this up, it is not going to be good for them; telling employees that the Respondent cannot believe that the employees had the nerve to file a Labor Board charge; telling employees that they better straighten up and that if the employees did not straighten up and get their act together, the employees would have a long and rocky road ahead of them; telling employees that “all [they] want to do is to try to cause problems”; and making threats of unspecified reprisals and implied threats to retaliate against employees, including that the Respondent has “people in here watching” the employees — because the Respondent’s employees engaged in protected activities under the National Labor Relations Act, or because these employees filed unfair labor practice charges with the Board;

(d) Retaliating against employees because the Respondent’s employees filed Board charges, including by directing an employee to read an announcement out loud in front of other employees at the Respondent’s stand-up talk;

(e) In any other manner, interfering with, restraining, or coercing employees in the exercise of their rights under the National Labor Relations Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act:

(a) Within 14 days of service by the Region:

(i) Post at its facility located at 1040 Dale Earnhardt Boulevard in Kannapolis, North Carolina, copies of the attached notice marked "Appendix 1."¹ Copies of the notice, on forms provided by the Region, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted;

(ii) Electronically mail the Board Order and the official notice to all managers and supervisors at the Respondent's facility;

(iii) Distribute notices electronically, by email, posting on an intranet or internet site, and any other electronic means, if the Respondent customarily communicates with its employees by such means;

(iv) Take reasonable steps to ensure that the notices are not altered, defaced or covered by any other material. In the event, during the pendency of these proceedings, the Respondent closes its facility involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former employees employed by the Respondent at any time since February 14, 2020.

(b) Within the 60-day Notice posting period, at a meeting or meetings scheduled to ensure the widest possible attendance on each shift, the Respondent's Postmaster Cherald Birch-Davis or, alternatively, a Board agent in the presence of Postmaster Cherald Birch-Davis, will read the notice to employees during worktime and in the presence of a union official and the managers and supervisors at the Respondent's facility in Kannapolis, North Carolina. The reading will take place at a time when the Respondent would customarily hold meetings for employees and must be completed prior to the completion of the 60-day Notice posting period. The dates and times of the reading must be approved by the Regional Director. The announcement of the meeting will be in the same manner the Respondent normally announces meetings and must be approved by the Regional Director. If the Regional Director concludes that it is warranted, the notice-reading may be accomplished in full or in part by video-conferencing technology. The Regional Director must approve the details of any notice-reading by video-conference technology.

(c) Within 21 days after service, file with the Centralized Compliance Unit at complianceunit@nlrb.gov and the Regional Director a signed and sworn Certification of Compliance Part I form certifying that it has complied with this Order. The certification shall include a copy of the documents signed by a responsible official attesting to the

¹ If this Order is enforced by a judgment of a United States Court of Appeals, the words in the notice providing, "Posted by Order of the National Labor Relations Board" shall instead provide, "Posted Pursuant to a Judgment of the United States Court of Appeals Enforcing an Order of the National Labor Relations Board."

dates that the notices were received, the dates that the notices were posted, where the notices were posted, and date(s) and time(s) the management official read the Notice to Employees. The certification shall also include the dates the Respondent sent the Board Order and Notice to its managers and supervisors, a list of the names and job titles of the individuals to whom the Respondent sent them, and the method the Respondent employed to send them.

Dated, Washington, D.C., February 16, 2021.

Lauren McFerran, Chairman

William J. Emanuel, Member

John F. Ring, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

APPENDIX 1

**NOTICE TO EMPLOYEES
POSTED BY ORDER OF THE
NATIONAL LABOR RELATIONS BOARD
An Agency of the United States Government**

**PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER
AND A CONSENT JUDGMENT OF ANY APPROPRIATE
UNITED STATES COURT OF APPEALS**

SECTION 7 OF THE NATIONAL LABOR RELATIONS ACT GIVES YOU THE RIGHT TO:

- Form, join, or assist a union
- Choose a representative to bargain with us on your behalf
- Act together with other employees for your benefit and protection
- Choose not to engage in any of these protected activities.

Among these rights are the rights to engage in union activities free from threats and retaliation and to file unfair labor practice charges with the National Labor Relations Board.

WE WILL NOT in any manner interfere with, restrain, or coerce you in the exercise of the above rights.

National Association of Letter Carriers, Branch 2794 (the Union) is the exclusive collective-bargaining representative of those of you in the following appropriate unit:

City Letter Carriers, excluding managerial and supervisory personnel, professional employees, employees engaged in personnel work in other than a purely non-confidential clerical capacity, security guards as defined in Public Law 91-375, 1201(2), all Postal Inspection Service employees, employees in the supplemental workforce as defined in Article 7, rural letter carriers, mail handlers, maintenance employees, special delivery messengers, motor vehicle employees, and postal clerks.

WE WILL NOT make statements to you that disparage or undermine the Union, including by referring to union documents as “nonsense.”

WE WILL NOT make it appear to you that we are watching your activities protected by the National Labor Relations Act, including by telling you that we have “people in here watching” you.

WE WILL NOT retaliate against you in any way because you or other employees filed charges with the National Labor Relations Board, including by directing you to read an announcement out loud in front of other employees at our stand-up talks.

WE WILL NOT threaten you in any way — including telling you that we are not playing games with you and that if you keep this up, it is not going to be good for you; telling you that we cannot believe you have the nerve to file a Labor Board charge; telling you that you better straighten up and that if you did not straighten up and get your act together, you will have a long and rocky road ahead of you; telling you that “all [you] want to do is to try to cause problems”; and making threats of unspecified reprisals and implied threats to retaliate against you, including by telling you that we have “people in here watching” you — because you engaged in protected activities under the National Labor Relations Act, or because you filed unfair labor practice charges with the National Labor Relations Board.

WE WILL NOT in any other manner interfere with, restrain, or coerce you in the exercise of your rights under the National Labor Relations Act.

UNITED STATES POSTAL SERVICE

The Board’s decision can be found at www.nlr.gov/case/10-CA-256947 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273-1940.

